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OFFICE OF GENERAL COUNSEL

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July 12, 2012

General Counsel's Office
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 6592

Dear Mr. Herman:

This letter responds to the complaint lodged with the Commission by Stephen R. Bough, Attorney at Law, dated June 5, 2012, number MUR 6592, a copy of which was received by Missouri Right to Life (MRL) from your office on June 25, 2012. A Statement of Designation of Counsel naming me as MRL's attorney was sent to the Commission with a letter dated July 2, 2012, together with a request to extend the deadline for responding to the complaint by ten (10) days.

Only one paragraph of the long complaint filed by Mr. Bough addresses Missouri Right to Life. That paragraph is found on page 5, beginning with the language, "Violation, coordinated with Missouri Right to Life on advertisements . . ." Exhibits U, V, and W are said to support the allegations against Missouri Right to Life.

The first alleged violation charged to Missouri Right to Life is "direct and specific coordination" between the Turk for Congress campaign and Missouri Right to Life in respect to certain advertising found on Exhibits U and V. The complaint suggests that the two advertisements are "mirror images of topics, words, phrases and characterizations." However, the exhibits themselves refute that description. Moreover, the complaint fails to state any circumstances that satisfy the third prong of the coordination test of the FEC's regulations, the conduct standard of 11 CFR § 109.21(d).

While both ads contain a comparison of Jacob Turk and Representative Cleaver on pro-life issues, the differences are far more numerous and substantial than the similarities. Exhibit V purports to be a printout of a page from the Turk for Congress web site that indicates a date of 10-24-10. Exhibit U depicts a Missouri Right to Life advertisement published in the newspaper, The Catholic Key, on 9-24-10, 10-8-10, 10-22-10, and 10-29-10. The two pieces were published in totally different media. The Catholic Key is a print newspaper, and the Turk web site was on-line.

The relevant portion of the Turk for Congress web page lists two points of content in respect to pro-life issues for candidate Turk and for Representative Cleaver. Only a small portion of the Turk web page is dedicated to pro-life issues, while the majority of the page is devoted to several other subjects. The Missouri Right to Life print ad lists five points for each candidate, and the entire ad is dedicated to their views on abortion and embryonic life.

The content of the points in the Missouri Right to Life ad and the Turk for Congress web page differs in almost every line. Looking first at the points in regard to Jacob Turk, the first item in the relevant portion of the Turk for Congress comparison is a bullet point that reads, "Supports regulations on abortion, such as parental notification, a ban on partial-birth abortions, and fully informing women of their rights and the risks." Not one of the items in that lengthy bullet point is found in the Missouri Right to Life advertisement in regard to Mr. Turk, either in wording or in concept. The second item in the relevant portion of the Turk web page on Mr. Turk's positions is a bullet point that reads, "Supports adult stem cell research, against human cloning." The fourth item in the Missouri Right to Life ad in regard to Mr. Turk reads, "Supports adult stem cell research & opposes human cloning." The wording is similar to express the same idea, but not identical, and the placement in the list of items is different. Furthermore, the Missouri Right to Life ad contains several more lines and ideas about Jacob Turk's position than does the Turk for Congress web site, consisting of his pro-life rating, his endorsement by Missouri Right to Life and National Right to Life, his background as a former director of a crisis pregnancy center, and his stand with the Catholic Church on the subject of embryonic stem cell research. None of these appear in the Turk for Congress web page cited by the complaining party.

The treatment of Representative Cleaver's positions also differs substantially in the two pieces. The first item listed in the Turk for Congress web page is a bullet point that reads as follows: "Against any restrictions on abortion. Against parental notification, supports partial-birth abortion." The Missouri Right to Life advertisement says nothing about Representative Cleaver's position on restrictions on abortion or partial-birth abortion. It does not contain a blanket statement about parental notification, but lists a particular vote concerning a particular bill, HR 748, that addressed parental notification when a minor is taken across state lines for abortion. That point is not in the first line of Missouri Right to Life's points, but is placed as the last of five points describing the incumbent's positions. The second point in the Turk for Congress materials in regard to Mr. Cleaver reads as follows: "Supports embryonic stem cell research. Supports human cloning." In the Missouri Right to Life ad, there is one line that says of Representative Cleaver, "Supports embryonic stem cell research." There is a separate line that says of him, "Supports cloning of humans for scientific research." The two ideas are separated and placed differently in the Missouri Right ad than in the Turk for Congress page. Finally, the first two lines of the Missouri Right to Life ad points out Representative Cleaver's 100% pro-abortion rating and his endorsement by Planned Parenthood, neither of which appears in the relevant portion of the Turk for Congress web page.

In short, the two pieces show many substantial differences in context, content, phrasing, and layout, while the similarities are few and sparse. The Missouri Right to Life ad began to run approximately one month before the date listed for the Turk for Congress web page. The media

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in which they appear are different, Missouri Right to Life's ad utilizing print media, the Turk for Congress web page utilizing the Internet. No reasonable inference of coordination of the Turk for Congress campaign and Missouri Right to Life may be drawn from these dissimilar writings.

The conduct standard for coordination that was applicable to the 2010 election, as set forth in 11 CFR § 109.21(d) (2010), requires a finding that Missouri Right to Life's advertising involved (1) communications made at the "request or suggestion" of the candidate or his committee or pursuant to the suggestion of MRL to which the candidate or candidate's committee assented; (2) communications made with the "material involvement" of the candidate or candidate's committee; (3) communications made after one or more "substantial discussions" between MRL and the candidate or committee; (4) specific actions of a "common vendor"; or (5) specific actions of a "former employee." In addition, for public communications under 11 CFR § 100.26 that disseminate, distribute, or republish materials prepared by a candidate or candidate's committee, the specified communications or other conduct on the part of the candidate or candidate's committee that pertain to coordination pursuant to paragraphs (1), (2), and (3) above must have occurred after the materials were originally prepared. 11 CFR § 109.21(d)(6).

The complaint now pending fails to state any facts in respect to the conduct requirement. The complaint is utterly devoid of any allegations concerning communications pursuant to (1), (2), (3), or (6). It does not allege that MRL's advertising was prepared by the candidate or candidate's committee pursuant to (6). It contains no descriptions of a common vendor or former employee pursuant to (4) or (5). A claim of coordination that fails to aver specific communications lacks merit. See, e.g., MUR 5870, July 18, 2007 (Alan Mollohan). Therefore, the first allegation of a violation, alleged coordination between Missouri Right to Life and the Turk for Congress campaign, has no reasonable basis.

The second violation against Missouri Right to Life made by the complaint, MUR 6592, is that Missouri Right to Life's advertising concerning the Turk-Cleaver election was paid by MRL's state political action committee, not by its federal political action committee. The exhibit that purports to support this averment, Exhibit W, fails to show any type of payment at all, let alone payment from a state political action committee. Exhibit W shows simply a web page from the Missouri Ethics Commission's Internet site containing identification data and a list of reports by the Missouri Right to Life state political action committee.

An Affidavit by Patricia M. Skain, Executive Director of Missouri Right to Life, accompanies this letter and demonstrates that this allegation is false. Indebtedness for the advertising at issue was reported in the amended quarterly report of Missouri Right to Life to the FEC filed on May 19, 2011, and in the pre-general-election report as amended, filed on June 17, 2011. The remaining expenditure for the advertising was reported in the post-general-election report as amended, filed on June 17, 2011. (Copies of the relevant pages of those reports are enclosed for convenience.) In the first of these three reports, Schedule D showed a debt of \$423.00 to The Catholic Key; in the second of these reports, Schedule D showed additional debt of \$423.00 to The Catholic Key, for a total of \$846.00; in the third of these reports, Schedule E reflected further independent expenditures in support of Mr. Turk in the amounts of \$423.00 and \$972.00. The Affidavit of Patricia M. Skain authenticates copies of two cancelled checks from

the Missouri Right to Life Federal Political Action Committee to The Catholic Key in the amounts of \$1,269.00 and \$972.00, dated 11/3/2010 and 11/15/2010, respectively. The first check paid for the indebtedness of \$846.00 reported in Schedule D of the pre-general-election report and the additional \$423.00 reported in Schedule E of the post-general-election report. The second check paid the expense of \$972.00 also reported in Schedule E of the post-general-election report. The averment that payment of the advertising in The Catholic Key came from the Missouri Right to Life state political action committee lacks any merit.

For the reasons given above, it is respectfully submitted that there is no support for Mr. Bough's allegations of violations of federal election laws by Missouri Right to Life, and Missouri Right to Life respectfully requests that matter number MUR 6592 be closed.

Sincerely,



James S. Cole
General Counsel
Missouri Right to Life

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FEC
FORM 3X

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

RECEIVED
2011 MAY 20 AM 9:36
FEC MAIL CENTER

Office Use Only

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

MISSOURI RIGHT TO LIFE FEDERAL POLITICAL
ACTION COMMITTEE

ADDRESS (number and street)

621 E MCCARTHY SUITE E

Check if different
than previously
reported. (ACC)

JEFFERSON CITY

MO

65101

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C 00157958

3. IS THIS
REPORT

NEW
(N)

OR

☒

AMENDED
(A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

April 15
Quarterly Report (Q1)

July 15
Quarterly Report (Q2)

☒ October 15
Quarterly Report (Q3)

January 31
Year-End Report (YE)

July 31 Mid-Year
Report (Non-election
Year Only) (MY)

Termination Report
(TER)

(b) Monthly
Report
Due On:

Feb 20 (M2)

May 20 (M5)

Aug 20 (M8)

Nov 20 (M11)
(Non-Election
Year Only)

Mar 20 (M3)

Jun 20 (M6)

Sep 20 (M9)

Dec 20 (M12)
(Non-Election
Year Only)

Apr 20 (M4)

Jul 20 (M7)

Oct 20 (M10)

Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

In the
State of

(d) 30-Day
POST-Election
Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

In the
State of

5. Covering Period

10/1/10 through

through

09/30/2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Chelsea A Zimmerman

Signature of Treasurer

Chelsea A Zimmerman

Date

05/19/2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only

FEC FORM 3X
Rev. 12/2004

FEDAN028

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11030610125

SCHEDULE D (FEC Form 3X)
DEBTS AND OBLIGATIONS
 Excluding Loans

(Use separate
 schedule(s)
 for each
 numbered line)

PAGE OF

FOR LINE NUMBER:
 (check only one)

☐ 9
☒ 10

NAME OF COMMITTEE (In Full)

MISSOURI RIGHT TO LIFE FEDERAL POLITICAL ACTION COMMITTEE

A. Full Name (Last, First, Middle Initial) of Debtor or Creditor

TRACKSIDE MARKETING

Nature of Debt (Purpose):

Website Maintenance

Mailing Address

84 Jeanie Dr.

City

State

Zip Code

Four Seasons

MO

65049

Outstanding Balance Beginning This Period

68.75

Amount Incurred This Period

25.00

Payment This Period

68.75

Outstanding Balance at Close of This Period

25.00

B. Full Name (Last, First, Middle Initial) of Debtor or Creditor

CATHOLIC KEY

Nature of Debt (Purpose):

Advertising

Mailing Address

PO BOX 419037

City

State

Zip Code

KANSAS CITY MO

64141-6037

Outstanding Balance Beginning This Period

00

Amount Incurred This Period

423.00

Payment This Period

00

Outstanding Balance at Close of This Period

423.00

C. Full Name (Last, First, Middle Initial) of Debtor or Creditor

Nature of Debt (Purpose):

Mailing Address

City

State

Zip Code

Outstanding Balance Beginning This Period

Amount Incurred This Period

Payment This Period

Outstanding Balance at Close of This Period

1) SUBTOTALS This Period This Page (optional).....▶

448.00

2) TOTALS This Period (last page this line number only).....▶

448.00

3) TOTAL OUTSTANDING LOANS from Schedule C (last page only).....▶

00

4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only)▶

448.00

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 11030610142

2011 JUN 17 AM 9:22

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (In full)

TYPE OR PRINT ▼

Example: If typing, type
over the lines.

12FE4M5

MISSOURI RIGHT TO LIFE FEDERAL POLITICAL
ACTION COMMITTEE

ADDRESS (number and street)

621 E McCarty Suite E



Check if different
than previously
reported. (ACC)

JEFFERSON CITY

MO

65101-

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C

3. IS THIS
REPORT



NEW
(N)

OR



AMENDED
(A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

- ☐ April 15
Quarterly Report (Q1)
- ☐ July 15
Quarterly Report (Q2)
- ☐ October 15
Quarterly Report (Q3)
- ☐ January 31
Year-End Report (YE)
- ☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)
- ☐ Termination Report
(TER)

(b) Monthly
Report
Due On:



Feb 20 (M2)



May 20 (M5)



Aug 20 (M8)



Nov 20 (M11)
(Non-Election
Year Only)



Mar 20 (M3)



Jun 20 (M6)



Sep 20 (M9)



Dec 20 (M12)
(Non-Election
Year Only)



Apr 20 (M4)



Jul 20 (M7)



Oct 20 (M10)



Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

11

13

2010

In the
State of

MO

(d) 30-Day
POST-Election
Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

11

13

2010

In the
State of

MO

5. Covering Period

10

01

2010

through

10

13

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Chelsea A Zimmerman

Signature of Treasurer

Chelsea A Zimmerman

06

15

2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only

FEC FORM 3X
Rev. 12/2004

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11030614007

SCHEDULE D (FEC Form 3X)

DEBTS AND OBLIGATIONS

Excluding Loans

(Use separate
schedule(s)
for each
numbered line)

PAGE / OF /

FOR LINE NUMBER:
(check only one)

☐ 9
☒ 10

NAME OF COMMITTEE (in Full)

MISSOURI RIGHT TO LIFE FEDERAL POLITICAL ACTION COMMITTEE

A. Full Name (Last, First, Middle Initial) of Debtor or Creditor

The Catholic Key

Nature of Debt (Purpose):

Mailing Address

P O BOX 419037

City

State

Zip Code

Kansas City MO

64141-6037

Outstanding Balance Beginning This Period

423.00

Amount Incurred This Period

423.00

Payment This Period

0.00

Outstanding Balance at Close of This Period

846.00

B. Full Name (Last, First, Middle Initial) of Debtor or Creditor

1

Nature of Debt (Purpose):

Mailing Address

City

State

Zip Code

Outstanding Balance Beginning This Period

Amount Incurred This Period

Payment This Period

Outstanding Balance at Close of This Period

C. Full Name (Last, First, Middle Initial) of Debtor or Creditor

Nature of Debt (Purpose):

Mailing Address

City

State

Zip Code

Outstanding Balance Beginning This Period

Amount Incurred This Period

Payment This Period

Outstanding Balance at Close of This Period

1) SUBTOTALS This Period This Page (optional).....>

846.00

2) TOTALS This Period (last page this line number only).....>

846.00

3) TOTAL OUTSTANDING LOANS from Schedule C (last page only).....>

0.00

4) ADD 2) and 3) and carry forward to appropriate line of Summary Page (last page only).....>

846.00

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RECEIVED
FEC MAIL CENTER

2011 JUN 17 AM 9:22

**FEC
FORM 3X**

**REPORT OF RECEIPTS
AND DISBURSEMENTS**
For Other Than An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (In full) TYPE OR PRINT ▼ Example: If typing, type over the lines.

12FE4M5

MISSOURI RIGHT TO LIFE FEDERAL POLITICAL ACTION
COMMITTEE

ADDRESS (number and street)

621 E McGARTY Suite E



Check if different
than previously
reported. (ACC)

Jefferson City

MO

65101-

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

C

3. IS THIS
REPORT



NEW
(N) OR

OR



AMENDED
(A)

4. TYPE OF REPORT
(Choose One)

(a) Quarterly Reports:

- ☐ April 15
Quarterly Report (Q1)
- ☐ July 15
Quarterly Report (Q2)
- ☐ October 15
Quarterly Report (Q3)
- ☐ January 31
Year-End Report (YE)
- ☐ July 31 Mid-Year
Report (Non-election
Year Only) (MY)
- ☐ Termination Report
(TER)

(b) Monthly
Report
Due On:



Feb 20 (M2)



May 20 (M5)



Aug 20 (M8)



Nov 20 (M11)
(Non-Election
Year Only)



Mar 20 (M3)



Jun 20 (M6)



Sep 20 (M9)



Dec 20 (M12)
(Non-Election
Year Only)



Apr 20 (M4)



Jul 20 (M7)



Oct 20 (M10)



Jan 31 (YE)

(c) 12-Day
PRE-Election
Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

11/14/2010

11/14/2010

11/14/2010

In the
State of

MO

(d) 30-Day
POST-Election
Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

11/14/2010

11/14/2010

11/14/2010

In the
State of

MO

5. Covering Period

10/14/2010

11/14/2010

11/14/2010

through

11/14/2010

11/14/2010

11/14/2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Chelsea Zimmerman

Signature of Treasurer

Chelsea A Zimmerman

Date

06/15/2011

06/15/2011

06/15/2011

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C. §437g.

Office
Use
Only

FEC FORM 3X
Rev. 12/2004

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11030613977

**SCHEDULE E (FEC Form 3X)
ITEMIZED INDEPENDENT EXPENDITURES**

PAGE OF
FOR LINE 24 OF FORM 3X

NAME OF COMMITTEE (In Full) Missouri Right To Life Federal Political Action		FEC IDENTIFICATION NUMBER C 00157958
Check <input checked="" type="checkbox"/> 24-hour notice <input type="checkbox"/> 48-hour notice COMMITTEE		

Full Name (Last, First, Middle Initial) of Payee The Catholic Key		Date 10/22/2018
Mailing Address P O BOX 419037		Amount 4,23.00
City Kansas City	State MO	Zip Code 64141
Purpose of Expenditure Advertising	Category/Type 004	Office Sought: <input checked="" type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President State: MO District: 5
Name of Federal Candidate Supported or Opposed by Expenditure: Jacob Turk		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Calendar Year-To-Date Per Election for Office Sought 1,527.38		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) _____

Full Name (Last, First, Middle Initial) of Payee The Catholic Key		Date 10/24/2018
Mailing Address P O BOX 419037		Amount 972.00
City Kansas City	State MO	Zip Code 64141
Purpose of Expenditure Advertising	Category/Type 004	Office Sought: <input checked="" type="checkbox"/> House <input type="checkbox"/> Senate <input type="checkbox"/> President State: MO District: 5
Name of Federal Candidate Supported or Opposed by Expenditure: Jacob Turk		Check One: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose
Calendar Year-To-Date Per Election for Office Sought 2,499.38		Disbursement For: <input type="checkbox"/> Primary <input checked="" type="checkbox"/> General <input type="checkbox"/> Other (specify) _____

(a) SUBTOTAL of Itemized Independent Expenditures **1,395.00**

(b) SUBTOTAL of Unitemized Independent Expenditures.....

(c) TOTAL Independent Expenditures

Under penalty of perjury I certify that the independent expenditures reported herein were not made in cooperation, consultation, or concert with, or at the request or suggestion of, any candidate or authorized committee or agent of either, or (if the reporting entity is not a political party committee) any political party committee or its agent.

Chelsea A. Zimmerman
Signature

Date

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11030614004